

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	File No.: EB-03-TC-144
)	
See Through Windows & Doors LLC)	NAL/Acct. No.: 200832170005
)	
)	FRN: 0017132275

FORFEITURE ORDER

Adopted: January 28, 2011**Released: January 28, 2011**

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this *Forfeiture Order* (“*Order*”), we issue a monetary forfeiture in the amount of \$20,000 against See Through Windows & Doors LLC (“See Through Windows”) for willful and repeated violations of section 64.1200(c)(2) of the Commission’s rules, by making telephone solicitations to two residential telephone consumers who had registered their telephone numbers on the National Do-Not-Call Registry.¹

II. BACKGROUND AND DISCUSSION

2. Section 64.1200(c)(2) of the Commission’s rules generally prohibits initiating telephone solicitations to residential telephone numbers that are contained in the National Do-Not-Call Registry.² Pursuant to section 503(b)(5) of the Act,³ the Enforcement Bureau (“Bureau”) issued a citation to See Through Windows on July 2, 2004, in response to one or more consumer complaints alleging that See Through Windows had initiated telephone solicitations to residential telephone consumers who had registered their telephone numbers on the National Do-Not-Call Registry.⁴ See Through Windows informed the Bureau that technical problems prevented See Through Windows from accessing the

¹ 47 C.F.R. § 64.1200(c)(2).

² There are certain limited exceptions to this rule, *see* 47 C.F.R. § 64.1200(c)(2)(i) – (iii), but none of them apply here.

³ 47 U.S.C. § 503(b)(5) (authorizing the Commission to issue citations to persons who do not hold a license, permit, certificate or other authorization issued by the Commission or an applicant for any of those listed instrumentalities for violations of the Act or of the Commission’s rules and orders).

⁴ Citation from Kurt A. Schroeder, Deputy Chief, Telecommunications Consumers Division, Enforcement Bureau, File No. EB-03-TC-144, issued to See Through Windows & Doors LLC on July 2, 2004. Bureau staff mailed the citation to the following addresses: See Through Windows & Doors LLC, See Thru Windows LLC 3101 Hubbard Road, Landover, MD 20785; See Through Windows & Doors LLC, 11132a Rockville Pike, Rockville, MD 20852; and Johanson Berenson LLP, Attorneys and Counselors at Law, 1350 Beverly Road, Suite 115, PMB 208, Mclean, VA 22101.

Registry and that it would correct this issue.⁵ Thereafter, the Commission staff sent letters of inquiry to See Through Windows to further investigate the alleged violations,⁶ and See Through Windows responded.⁷

3. Subsequent to the Bureau issuing its citation to See Through Windows, the Commission received two complaints from consumers alleging that See Through Windows had again initiated telephone solicitations to residential telephone numbers that the consumers had registered on the national Do-Not-Call Registry. These solicitations, which occurred after the Bureau's citation, resulted in the Bureau, pursuant to section 503(b) of the Act,⁸ issuing a *Notice of Apparent Liability* ("NAL") against See Through Windows on November 16, 2007 in the amount of \$20,000.⁹ The NAL ordered See Through Windows either to pay the proposed forfeiture amount within thirty days or to submit evidence or arguments in response to the NAL to show that no forfeiture should be imposed or that some lesser amount should be assessed.

4. On December 17, 2007, See Through Windows responded to the NAL, seeking to reduce or cancel the proposed forfeiture, claiming the two complainants' names and telephone numbers did not appear on its call sheets.¹⁰ See Through Windows argued that because the complainants' names and telephone numbers were not found in its records, a call center representative may have misdialed the numbers.¹¹ Even if true, these facts do not indicate that See Through Windows did not violate our do-not-call rules. The rules do excuse those who do not comply with them as a result of error, but only if the violator shows that as part of its routine business practices, it, among other things: (A) has established and implemented written procedures to comply with our do-not-call rules; (B) has trained its personnel and others in those procedures; (C) has maintained and recorded a list of telephone numbers that the seller may not contact; (D) uses a process to prevent telephone solicitations to telephone numbers on the Registry, employing a version of the Registry that it obtained no more than 31 days prior to the date any call is made, and maintains records documenting this process; and (E) uses a process to ensure that it does not sell, rent, lease, buy, or use the Registry for any purpose except compliance with our rules or similar state or federal laws.¹² See Through Windows has failed to demonstrate that it has satisfied these criteria,

⁵ Letters from D.S. Berenson, L.C., Johanson Berenson LLP, to Kurt Schroeder, Deputy Chief, Telecommunications Consumers Division, Enforcement Bureau, Federal Communications Commission, File No. EB-04-TC-144, dated December 8, 2003; February 28, 2004; and May 24, 2004.

⁶ Letters from Kurt A. Schroeder, Deputy Chief, Telecommunications Consumers Division, Enforcement Bureau, File No. EB-03-TC-144, to See Through Windows, dated February 9, 2007 and July 6, 2007.

⁷ Letters from Kevin M. Tierney, Johanson Berenson LLP, to Kurt Schroeder, Deputy Chief, Telecommunications Consumers Division, Enforcement Bureau, Federal Communications Commission, File No. EB-03-TC-144, dated March 1, 2007, August 3, 2007 and August 13, 2007.

⁸ 47 U.S.C. § 503(b)(5) (authorizing the Commission to assess a forfeiture penalty against any person who does not hold a license, permit, certificate or other authorization issued by the Commission, or an applicant for any of those listed instrumentalities, so long as such person (A) is first issued a citation of the violation charged; (B) is given a reasonable opportunity for a personal interview with an official of the Commission, at the field office of the Commission nearest to the person's place of residence; and (C) subsequently engages in conduct of the type described in the citation).

⁹ *See Through Windows & Doors LLC*, Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 19899 (2007); see also 47 U.S.C. § 503(b)(1).

¹⁰ Letter from Kevin M. Tierney, Johanson Berenson LLP, to Kurt Schroeder, Deputy Chief, Telecommunications Consumers Division, Enforcement Bureau, Federal Communications Commission, File No. EB-03-TC-144, dated December 17, 2007.

¹¹ *Id.*, at 2.

¹² See 47 C.F.R. § 64.1200(c)(2)(1)(A)-(E).

and otherwise to identify facts or circumstances to persuade us that there is a basis for modifying or cancelling the proposed forfeiture. Based on the information before us, we hereby impose a total forfeiture of \$20,000 for See Through Windows's willful and repeated violation of section 64.1200(c)(2) of the Commission's rules.

III. ORDERING CLAUSES

5. Accordingly, **IT IS ORDERED**, pursuant to section 503(b) of the Communications Act of 1934, as amended, 47 U.S.C. § 503(b), and section 1.80(f)(4) of the Commission's rules, 47 C.F.R. § 1.80(f)(4), and under authority delegated by sections 0.111, 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that See Through Windows & Doors LLC **IS LIABLE FOR A MONETARY FORFEITURE** to the United States Government in the sum of \$20,000 for willfully and repeatedly violating section 64.1200(c)(2) of the Commission's rules, 47 C.F.R. § 64.1200(c)(2).

6. Payment of the forfeiture shall be made in the manner provided for in section 1.80 of the Commission's rules within thirty (30) days of the release of this Order. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to section 504(a) of the Act.¹³ Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Account Number and FRN referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment by wire transfer may be made to ABA Number 021030004, receiving bank TREAS/NYC, and account number 27000001. For payment by credit card, an FCC Form 159 (Remittance Advice) must be submitted. When completing the FCC Form 159, enter the NAL/Account number in block number 23A (call sign/other ID), and enter the letters "FORF" in block number 24A (payment type code). See Through Windows & Doors LLC shall also send electronic notification on the date said payment is made to Johnny.Drake@fcc.gov. Requests for full payment under an installment plan should be sent to: Chief Financial Officer -- Financial Operations, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554. Please contact the Financial Operations Group Help Desk at 1-877-480-3201 or Email: ARINQUIRIES@fcc.gov with any questions regarding payment procedures.

7. **IT IS FURTHER ORDERED** that a copy of the *Forfeiture Order* shall be sent by First Class mail and certified mail return receipt requested to See Through Windows & Doors LLC, See Through Windows & Doors LLC, See Thru Windows LLC 3101 Hubbard Road, Landover, MD 20785; See Through Windows & Doors LLC, 11132a Rockville Pike, Rockville, MD 20852; and Johanson Berenson LLP, Attorneys and Counselors at Law, 1146 Walker Road, Suite C, Great Falls, VA 22066.

FEDERAL COMMUNICATIONS COMMISSION

P. Michele Ellison
Chief, Enforcement Bureau

¹³ 47 U.S.C. § 504(a).